

1 **STATEWIDE ONLINE EDUCATION PROGRAM AMENDMENTS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Dan N. Johnson**

5 Senate Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Statewide Online Education Program (the program).

10 **Highlighted Provisions:**

11 This bill:

12 ▶ requires the Utah State Board of Education to:

- 13 • update operating systems to allow for transfer of student information with the
- 14 program;
- 15 • dedicate staff to offer technical support for the program;
- 16 • create a model cooperative agreement between a primary local education agency
- 17 and an authorized online provider;
- 18 • provide certain itemized reports to a primary LEA;
- 19 • create a mandatory training for certain LEA staff about the program;
- 20 • create a communication dashboard; and
- 21 • collaborate with the Utah System of Higher Education to offer online concurrent
- 22 enrollment options including within the program;
- 23 ▶ requires a primary LEA to coordinate accommodations of a student's individualized
- 24 education plan or section 504 accommodation plan;
- 25 ▶ establishes a deadline to acknowledge a course enrollment;
- 26 ▶ requires certain coordination between a primary LEA and an authorized online
- 27 course provider; and



28 ▶ makes technical changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

- 35 **53E-3-518**, as last amended by Laws of Utah 2023, Chapter 70
- 36 **53E-10-302**, as last amended by Laws of Utah 2023, Chapter 172
- 37 **53F-4-501**, as last amended by Laws of Utah 2023, Chapters 226, 368
- 38 **53F-4-502**, as last amended by Laws of Utah 2023, Chapter 368
- 39 **53F-4-503**, as last amended by Laws of Utah 2023, Chapters 226, 368
- 40 **53F-4-504**, as last amended by Laws of Utah 2023, Chapter 368
- 41 **53F-4-505**, as last amended by Laws of Utah 2023, Chapter 368
- 42 **53F-4-506**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 43 **53F-4-507**, as last amended by Laws of Utah 2023, Chapter 368
- 44 **53F-4-508**, as last amended by Laws of Utah 2019, Chapter 186
- 45 **53F-4-509**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 46 **53F-4-510**, as last amended by Laws of Utah 2019, Chapter 186
- 47 **53F-4-511**, as last amended by Laws of Utah 2019, Chapter 186
- 48 **53F-4-512**, as last amended by Laws of Utah 2019, Chapter 186
- 49 **53F-4-513**, as last amended by Laws of Utah 2021, Chapter 362
- 50 **53F-4-514**, as last amended by Laws of Utah 2023, Chapter 368
- 51 **53F-4-516**, as last amended by Laws of Utah 2019, Chapter 186
- 52 **53F-4-517**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 53 **53F-4-518**, as last amended by Laws of Utah 2023, Chapter 368



55 *Be it enacted by the Legislature of the state of Utah:*

56 Section 1. Section **53E-3-518** is amended to read:

57 **53E-3-518. Utah school information management system -- Local education**
58 **agency requirements.**

- 59 (1) As used in this section:
- 60 (a) "LEA data system" or "LEA's data system" means a data system that:
- 61 (i) is developed, selected, or relied upon by an LEA; and
- 62 (ii) the LEA uses to collect data or submit data to the state board related to:
- 63 (A) student information;
- 64 (B) educator information;
- 65 (C) financial information; or
- 66 (D) other information requested by the state board.
- 67 (b) "LEA financial information system" or "LEA's financial information system" means
- 68 an LEA data system used for financial information.
- 69 (c) "Parent" means the same as that term is defined in Section [53G-6-201](#).
- 70 (d) "Utah school information management system" or "information management
- 71 system" means the state board's data collection and reporting system described in this section.
- 72 (e) "User" means an individual who has authorized access to the information
- 73 management system.
- 74 (2) On or before July 1, 2024, the state board shall have in place an information
- 75 management system that meets the requirements described in this section.
- 76 (3) The state board shall ensure that the information management system:
- 77 (a) interfaces with an LEA's data systems that meet the requirements described in
- 78 Subsection ~~[(6);~~ (7);
- 79 (b) serves as the mechanism for the state board to collect and report on all data that
- 80 LEAs submit to the state board related to:
- 81 (i) student information;
- 82 (ii) educator information;
- 83 (iii) financial information; and
- 84 (iv) other information requested by the state board;
- 85 (c) includes a web-based user interface through which a user may:
- 86 (i) enter data;
- 87 (ii) view data; and
- 88 (iii) generate customizable reports;
- 89 (d) includes a data warehouse and other hardware or software necessary to store or

90 process data submitted by an LEA;

91 (e) provides for data privacy, including by complying with [~~Title 53E, Chapter 9,~~
92 ~~Student Privacy and Data Protection]~~ Chapter 9, Student Privacy and Data Protection;

93 (f) restricts user access based on each user's role; and

94 (g) meets requirements related to a student achievement backpack described in Section
95 [53E-3-511](#).

96 (4) On or before January 31, 2026, the state board shall:

97 (a) ensure the information management system described in this section allows for the
98 transfer of a student's transcript, current IEP, or Section 504 accommodation plan including the
99 tracking of necessary accommodations and services between:

100 (i) different LEA student information systems; and

101 (ii) an authorized online course provider and a primary LEA; and

102 (b) ensure the transfer capability described in Subsection (4)(a) is available for the
103 same use within the operating system the state board uses for the Statewide Online Education
104 Program described in Title 53F, Chapter 4, Part 5, Statewide Online Education Program.

105 [~~4~~] (5) The state board shall establish the restrictions on user access described in
106 Subsection (3)(f).

107 [~~5~~] (6) (a) The state board shall make rules that establish the required capabilities for
108 an LEA financial information system.

109 (b) In establishing the required capabilities for an LEA financial information system,
110 the state board shall consider metrics and capabilities requested by the state treasurer or state
111 auditor.

112 [~~6~~] (7) (a) On or before July 1, 2024, an LEA shall ensure that:

113 (i) all of the LEA's data systems:

114 (A) meet the data standards established by the state board in accordance with Section
115 [53E-3-501](#);

116 (B) are fully compatible with the state board's information management system; and

117 (C) meet specification standards determined by the state board; and

118 (ii) the LEA's financial information system meets the requirements described in
119 Subsection [~~5~~] (6).

120 (b) An LEA shall ensure that an LEA data system purchased or developed on or after

121 May 14, 2019, will be compatible with the information management system when the
122 information management system is fully operational.

123 ~~[(7)]~~ (8) (a) Subject to appropriations and Subsection ~~[(7)(b)]~~ (8)(b), the state board
124 may use an appropriation under this section to help an LEA meet the requirements in the rules
125 described in Subsection ~~[(5)]~~ (6) by:

126 (i) providing to the LEA funding for implementation and sustainment of the LEA
127 financial information system, either through:

128 (A) awarding a grant to the LEA; or

129 (B) providing a reimbursement to the LEA; or

130 (ii) in accordance with Title 63G, Chapter 6a, Utah Procurement Code, procuring a
131 financial information system on behalf of an LEA for the LEA to use as the LEA's financial
132 information system.

133 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
134 state board shall make rules describing:

135 (i) how an LEA may apply to the state board for the assistance described in Subsection
136 ~~[(7)(a)]~~ (8)(a); and

137 (ii) criteria for the state board to provide the assistance to an LEA.

138 ~~[(8)]~~ (9) (a) Beginning July 1, 2024, the state board may take action against an LEA
139 that is out of compliance with a requirement described in Subsection ~~[(6)]~~ (7) until the LEA
140 complies with the requirement.

141 (b) An action described in Subsection ~~[(8)(a)]~~ (9)(a) may include the state board
142 withholding funds from the LEA.

143 ~~[(9)]~~ (10) (a) For purposes of this Subsection ~~[(9)]~~ (10), "education record" means the
144 same as that term is defined in 20 U.S.C. Sec. 1232g.

145 (b) The state board shall, by rule made in accordance with Title 63G, Chapter 3, Utah
146 Administrative Rulemaking Act, establish a procedure under which:

147 (i) a parent may submit information as part of the education records for the parent's
148 student;

149 (ii) the information submitted by the parent is maintained as part of the education
150 records for the parent's student;

151 (iii) information submitted by the parent and maintained as part of the education

152 records for the parent's student may be removed at the request of the parent; and

153 (iv) a parent has access only to the education records of the parent's student in
154 accordance with Subsection [~~(9)(d)~~] (10)(d).

155 (c) The rules made under this Subsection [~~(9)~~] (10) shall allow a parent to submit or
156 remove information submitted by the parent under this Subsection [~~(9)~~] (10) at least annually,
157 including at the time of:

- 158 (i) registering a student in a school; or
- 159 (ii) changing the school in which a student attends.

160 (d) Subject to the federal Family Education Rights and Privacy Act, 20 U.S.C. Sec.
161 1232g, and related regulations, the state board shall provide a parent access to an education
162 record concerning the parent's student.

163 (e) The state board shall create in the information management system a record
164 tracking interoperability of education records described in this Subsection [~~(9)~~] (10) when a
165 student is transitioning between schools or between LEAs.

166 Section 2. Section **53E-10-302** is amended to read:

167 **53E-10-302. Concurrent enrollment program.**

168 (1) The state board and the Utah Board of Higher Education shall establish and
169 maintain a concurrent enrollment program that:

170 (a) provides an eligible student the opportunity to enroll in a course that allows the
171 eligible student to earn credit concurrently:

- 172 (i) toward high school graduation; and
 - 173 (ii) at an institution of higher education;
- 174 (b) includes only a course that:
- 175 (i) leads to a degree or certificate offered by an institution of higher education; and
 - 176 (ii) is one of the following:
- 177 (A) a general education course;
 - 178 (B) a career and technical education course;
 - 179 (C) a pre-major college level course;
 - 180 (D) a foreign language concurrent enrollment course described in Section [53E-10-307](#);

181 or

182 (E) an upper divisions course that the Utah Board of Higher Education approves under

183 Subsection (3);

184 (c) requires that the instructor of a concurrent enrollment course is an eligible
185 instructor; and

186 (d) is designed and implemented to take full advantage of the most current available
187 education technology.

188 (2) The state board and the Utah Board of Higher Education shall coordinate to:

189 (a) establish a concurrent enrollment course approval process that ensures:

190 (i) credit awarded for concurrent enrollment is consistent and transferable to all
191 institutions of higher education; and

192 (ii) learning outcomes for a concurrent enrollment course align with:

193 (A) core standards for Utah public schools adopted by the state board; and

194 (B) except for a foreign language concurrent enrollment course described in Section
195 53E-10-307 or an upper division course that the Utah Board of Higher Education approves
196 under Subsection (3), an institution of higher education lower division course numbered at or
197 above the 1000 level; [~~and~~]

198 (b) provide advising to an eligible student, including information on:

199 (i) general education requirements at institutions of higher education; and

200 (ii) how to choose concurrent enrollment courses to avoid duplication or excess credit
201 hours[-]; and

202 (c) no later than July 1, 2025, offer an online concurrent enrollment option including:

203 (i) no later than the November 2024 interim meeting, recommendations to the
204 Education Interim Committee about funding structures of online concurrent enrollment courses
205 including those offered through the Statewide Online Education Program;

206 (ii) allowing a student to be enrolled through multiple LEAs for access to any online
207 concurrent enrollment course including those offered through the Statewide Online Education
208 Program; and

209 (iii) additional requirements necessary to ensure a student has optimal access to
210 concurrent enrollment options online.

211 (3) The Utah Board of Higher Education, after consulting with the state board, shall
212 annually approve a prioritized list of upper division courses for which an institution of higher
213 education may use concurrent enrollment money.

214 (4) After consultation with institution of higher education concurrent enrollment
215 directors, the Utah Board of Higher Education shall:

216 (a) provide guidelines to an institution of higher education for establishing qualifying
217 academic criteria for an eligible student to enroll in a concurrent enrollment course; and

218 (b) establish a policy that:

219 (i) determines which concurrent enrollment courses are career and technical education
220 courses; and

221 (ii) creates a process for:

222 (A) an LEA to appeal an institution of higher education's decision under Subsection (7)
223 if the institution of higher education does not approve an LEA employee as an eligible
224 instructor; and

225 (B) an LEA or institution of higher education to determine whether an eligible
226 instructor who previously taught a concurrent enrollment course is no longer qualified to teach
227 the concurrent enrollment course.

228 (5) To qualify for funds under Section 53F-2-409, an LEA and an institution of higher
229 education shall:

230 (a) enter into a contract, in accordance with Section 53E-10-303, to provide one or
231 more concurrent enrollment courses that are approved under the course approval process
232 described in Subsection (2);

233 (b) ensure that an instructor who teaches a concurrent enrollment course is an eligible
234 instructor;

235 (c) establish qualifying academic criteria for an eligible student to enroll in a
236 concurrent enrollment course, in accordance with the guidelines described in Subsection (4)(a);

237 (d) ensure that a student who enrolls in a concurrent enrollment course is an eligible
238 student; and

239 (e) coordinate advising to eligible students.

240 (6) (a) An institution of higher education faculty member is an eligible instructor.

241 (b) An LEA employee is an eligible instructor if the LEA employee:

242 (i) is licensed under Chapter 6, Education Professional Licensure;

243 (ii) is supervised by an institution of higher education; and

244 (iii) (A) as described in Subsection (7), is approved as an eligible instructor by the

245 institution of higher education that provides the concurrent enrollment course taught by the
246 LEA employee;

247 (B) has an upper level mathematics credential issued by the state board;

248 (C) is approved as adjunct faculty by the institution of higher education that provides
249 the concurrent enrollment course taught by the LEA employee; or

250 (D) teaches a concurrent enrollment course that the LEA employee taught during the
251 2018 -2019 or 2019 -2020 school year.

252 (7) An institution of higher education shall approve an LEA employee as an eligible
253 instructor:

254 (a) for a career and technical education concurrent enrollment course, if the LEA
255 employee has:

256 (i) a degree, certificate, or industry certification in the concurrent enrollment course's
257 academic field; or

258 (ii) qualifying experience, as determined by the institution of higher education; or

259 (b) for a concurrent enrollment course other than a career and technical education
260 course, if the LEA employee has:

261 (i) a master's degree or higher in the concurrent enrollment course's academic field;

262 (ii) (A) a master's degree or higher in any academic field; and

263 (B) at least 18 completed credit hours of graduate course work in an academic field
264 that is relevant to the concurrent enrollment course; or

265 (iii) qualifying experience as defined in Section 53E-10-301, including:

266 (A) the number of years of teaching experience;

267 (B) student performance on qualifying test scores or AP exams on courses that the
268 LEA employee teaches;

269 (C) continuing education in a master's degree or higher in any academic field; or

270 (D) other criteria established by the institution of higher education.

271 (8) An institution of higher education shall accept credits earned by a student who

272 completes a concurrent enrollment course on the same basis as credits earned by a full-time or
273 part-time student enrolled at the institution of higher education.

274 Section 3. Section 53F-4-501 is amended to read:

275 **53F-4-501. Definitions.**

276 As used in this part:

277 (1) "Authorized online course provider" means the entities listed in Subsection
278 53F-4-504(1).

279 (2) (a) "Certified online course provider" means a provider that the state board
280 approves to offer courses through the Statewide Online Education Program.

281 (b) "Certified online course provider" does not include an entity described in
282 Subsections 53F-4-504(1)(a) through (c).

283 (3) "Credit" means credit for a high school course, or the equivalent for a middle
284 school course, as determined by the state board.

285 (4) "Eligible student" means a student:

286 (a) who intends to take a course for middle school or high school credit; and

287 (b) (i) who is enrolled in an LEA in Utah; or

288 (ii) (A) who attends a private school or home school; and

289 (B) whose custodial parent is a resident of Utah.

290 (5) "High school" means grade 9, 10, 11, or 12.

291 (6) "Middle school" means, only for purposes of student eligibility to participate in the
292 Statewide Online Education Program, grade 6, 7, or 8.

293 (7) "Online course" means a course of instruction offered by the Statewide Online
294 Education Program through the use of digital technology, regardless of whether the student
295 participates in the course at home, at school, at another location, or any combination of these.

296 (8) "Plan for college and career readiness" means the same as that term is defined in
297 Section 53E-2-304.

298 (9) "Primary LEA of enrollment" or "primary LEA" means the LEA in which an
299 eligible student is enrolled for courses other than online courses offered through the Statewide
300 Online Education Program.

301 (10) "Released-time" means a period of time during the regular school day a student is
302 excused from school at the request of the student's parent pursuant to rules of the state board.

303 Section 4. Section 53F-4-502 is amended to read:

304 **53F-4-502. Statewide Online Education Program created -- Designated as**
305 **program of the public education system -- Purposes.**

306 (1) The Statewide Online Education Program is created to enable an eligible student to,

307 through the completion of publicly funded online courses:

308 (a) earn high school graduation credit; or

309 (b) earn middle school credit.

310 (2) Pursuant to Utah Constitution, Article X, Section 2, the Statewide Online

311 Education Program is designated as a program of the public education system.

312 (3) The purposes of the Statewide Online Education Program are to:

313 (a) provide a student with access to online learning options regardless of where the
314 student attends school, whether a public, private, or home school;

315 (b) provide digital learning options for a student regardless of language, residence,
316 family income, or special needs;

317 (c) provide online learning options to allow a student to acquire the knowledge and
318 technology skills necessary in a digital world;

319 (d) utilize the power and scalability of technology to customize education so that a
320 student may learn in the student's own style preference and at the student's own pace;

321 (e) utilize technology to remove the constraints of traditional classroom learning,
322 allowing a student to access learning virtually at any time and in any place and giving the
323 student the flexibility to take advantage of the student's peak learning time;

324 (f) provide personalized learning, where a student can spend as little or as much time
325 as the student needs to master the material;

326 (g) provide greater access to self-paced programs enabling a high achieving student to
327 accelerate academically, while a struggling student may have additional time and help to gain
328 competency;

329 (h) allow a student to customize the student's schedule to better meet the student's
330 academic goals;

331 (i) provide quality learning options to better prepare a student for post-secondary
332 education [~~and~~], vocational training, or career opportunities; and

333 (j) allow a student to have an individualized educational experience.

334 (4) The program name, "Statewide Online Education Program," shall be used in the
335 dissemination of information on the program.

336 Section 5. Section **53F-4-503** is amended to read:

337 **53F-4-503. Option to enroll in online courses offered through the Statewide**

338 **Online Education Program.**

339 (1) Subject to Subsections ~~[(2) and (8);~~ (2), (9) and (11) and with the advice of a
340 school counselor at a student's primary LEA, an eligible student may enroll in an online course
341 offered through the Statewide Online Education Program if:

342 (a) the student meets the course prerequisites;

343 (b) the course is open for enrollment; and

344 (c) the online course is aligned with the student's plan for college and career
345 readiness[;].

346 ~~[(d) the online course is consistent with the student's IEP, if the student has an IEP;~~
347 ~~and]~~

348 ~~[(e) the online course is consistent with the student's international baccalaureate~~
349 ~~program, if the student is participating in an international baccalaureate program.]~~

350 (2) An eligible student may enroll in online courses ~~[for no more than]~~ totaling up to
351 six credits per school year.

352 (3) Notwithstanding Subsection (2):

353 (a) a student's primary LEA of enrollment may allow an eligible student to enroll in
354 online courses for more than the number of credits specified in Subsection (2); or

355 (b) upon the request of an eligible student, the state board may allow the student to
356 enroll in online courses for more than the number of credits specified in Subsection (2), if the
357 online courses better meet the academic goals of the student.

358 (4) An eligible student's primary LEA of enrollment:

359 (a) in conjunction with the student and the student's parent, is responsible for preparing
360 and implementing a plan for college and career readiness for the eligible student, as provided in
361 Section [53E-2-304](#); and

362 (b) shall assist an eligible student in scheduling courses in accordance with the
363 student's plan for college and career readiness, graduation requirements, and the student's
364 post-secondary plans.

365 (5) An eligible student's primary LEA of enrollment may not:

366 (a) impose restrictions on a student's selection of an online course that fulfills
367 graduation requirements and is consistent with the student's plan for college and career
368 readiness or post-secondary plans; or

- 369 (b) give preference to an online course or authorized online course provider.
- 370 (6) The state board, including an employee of the state board, may not give preference
371 to an online course or authorized online course provider.
- 372 (7) (a) Except as provided in Subsection (7)(b), a person may not provide an
373 inducement or incentive to a public school student to participate in the Statewide Online
374 Education Program.
- 375 (b) For purposes of Subsection (7)(a):
- 376 (i) "Inducement or incentive" does not mean:
- 377 (A) instructional materials or software necessary to take an online course; or
378 (B) access to a computer or digital learning device for the purpose of taking an online
379 course.
- 380 (ii) "Person" does not include a relative of the public school student.
- 381 (8) Subject to legislative appropriations, the state board shall provide Statewide Online
382 Education Program academic counselors who:
- 383 (a) may advise an eligible student or an eligible student's parent regarding an online
384 course enrollment including how an online course relates to graduation requirements described
385 in Section 53E-4-204 and administrative rule;
- 386 (b) provide the training described in Section 53F-4-514;
- 387 (c) provide technical support to an LEA, school-based counselor, eligible student, or
388 eligible student's parent;
- 389 (d) assist in gathering information, reports, and data an LEA requests; and
- 390 (e) direct an eligible student or an eligible student's parent to a school-specific
391 counselor for advice regarding an online course enrollment in relation to an LEA, or
392 school-specific graduation requirement and all other counseling services.
- 393 (9) If an eligible student has an IEP or Section 504 accommodation plan:
- 394 (a) the eligible student's primary LEA:
- 395 (i) shall:
- 396 (A) forward a copy of the relevant portions of the eligible student's existing IEP or
397 Section 504 accommodation plan to the authorized online course provider in accordance with
398 federal law and guidelines; and
- 399 (B) ensure the authorized online course provider is provided an eligible student's

400 updated IEP when revisions are made;

401 (ii) may:

402 (A) ensure the eligible student's IEP team and the authorized online course provider
403 review a course enrollment for compliance with requirements described in Subsection (1); and

404 (B) as needed, coordinate additional IEP team reviews with the authorized online
405 course provider to ensure appropriate services, supports, and accommodations are in place for
406 the eligible student; and

407 (b) the authorized online course provider:

408 (i) shall implement an eligible student's IEP or section 504 accommodation plan; and

409 (ii) may seek assistance from the primary LEA to implement an eligible student's IEP
410 or section 504 accommodation plan.

411 (10) The state board shall create a model cooperative agreement between a primary
412 LEA and an authorized online course provider for use when the primary LEA determines that
413 an authorized online course provider would best provide IEP services with costs.

414 (11) If the program lacks sufficient legislative appropriations to fund the enrollment in
415 online courses for all eligible students who do not have a primary LEA of enrollment, the state
416 board shall prioritize funding the enrollment of an eligible student who intends to graduate
417 from high school during the school year in which the student enrolls in an online course.

418 Section 6. Section **53F-4-504** is amended to read:

419 **53F-4-504. Authorized online course providers -- Certified online course**
420 **providers.**

421 (1) The following entities are known as an authorized online course provider and may
422 offer online courses to eligible students through the Statewide Online Education Program:

423 (a) ~~[a charter school or district school]~~ a school within an LEA created exclusively for
424 the purpose of serving students online;

425 (b) an LEA program, approved by the LEA governing board, that is created exclusively
426 for the purpose of serving students online;

427 (c) a program of an institution of higher education listed in Section **53B-2-101** that:

428 (i) offers secondary school level courses; and

429 (ii) is created exclusively for the purpose of serving students online; and

430 (d) a certified online course provider.

431 (2) The state board shall approve an online course provider as a certified online course
432 provider if the online course provider:

433 (a) complies with the application procedures described in Section 53F-4-514;

434 (b) meets the standards described in Section 53F-4-514;

435 (c) has a student information system that is compatible with the state board's
436 information system described in Section 53E-3-518; and

437 [~~e~~] (d) has prior experience offering online courses to secondary students.

438 (3) The state board may revoke the approval described in Subsection (2) if the state
439 board:

440 (a) finds that a certified online course provider is not complying with the requirements
441 described in Section 53F-4-514;

442 (b) provides written notice describing the findings of non-compliance to the certified
443 online course provider;

444 (c) provides the certified online course provider with at least 60 days to remedy the
445 findings of non-compliance;

446 (d) reevaluates the findings of non-compliance at least 60 days after the certified online
447 course provider's remedy period described in Subsection (3)(c); and

448 (e) finds after reevaluation that the certified online course provider has failed to
449 satisfactorily remedy the findings of non-compliance.

450 Section 7. Section 53F-4-505 is amended to read:

451 **53F-4-505. Payment for an online course.**

452 (1) For the 2012-13 school year, the fee for a .5 credit online course or .5 credit of a 1
453 credit online course is:

454 (a) \$200 for the following courses, except a concurrent enrollment course:

455 (i) financial literacy;

456 (ii) health;

457 (iii) fitness for life; and

458 (iv) computer literacy;

459 (b) \$200 for driver education;

460 (c) \$250 for a course that meets core standards for Utah public schools in fine arts or
461 career and technical education, except a concurrent enrollment course;

- 462 (d) \$300 for the following courses:
- 463 (i) a course that meets core standards for Utah public schools requirements in social
464 studies, except a concurrent enrollment course; and
- 465 (ii) a world language course, except a concurrent enrollment course;
- 466 (e) \$350 for the following courses:
- 467 (i) a course that meets core standards for Utah public schools requirements for
468 language arts, mathematics, or science; and
- 469 (ii) a concurrent enrollment course; and
- 470 (f) \$250 for a course not described in Subsections (1)(a) through (e).
- 471 (2) If a course meets the requirements of more than one course fee category described
472 in Subsection (1), the course fee shall be the lowest of the applicable course fee categories.
- 473 (3) The online course fees described in Subsection (1) shall be adjusted each school
474 year in accordance with the percentage change in value of the weighted pupil unit from the
475 previous school year.
- 476 (4) An authorized online course provider shall receive payment for an online course as
477 follows:
- 478 (a) for a .5 credit online course, 50% of the online course fee after the withdrawal
479 period described in Section [53F-4-506](#);
- 480 (b) for a 1 credit online course, 25% of the online course fee after the withdrawal
481 period described in Section [53F-4-506](#) and 25% of the online course fee upon the beginning of
482 the second .5 credit of the online course; and
- 483 (c) if a student completes a 1 credit online course within 12 months or a .5 credit
484 course within nine weeks following the end of a traditional semester, 50% of the online course
485 fee.
- 486 (5) (a) If a student fails to complete a 1 credit course within 12 months or a .5 credit
487 course within nine weeks following the end of a traditional semester, the student may continue
488 to be enrolled in the course until the student graduates from high school.
- 489 (b) To encourage an authorized online course provider to provide remediation to a
490 student who remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the
491 need for credit recovery, an authorized online course provider shall receive a payment equal to
492 30% of the online course fee if the student completes the online course:

493 (i) for a high school online course, before the student graduates from high school; or
494 (ii) for a middle school online course, before the student completes middle school.
495 (6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a
496 school district or charter school may:

497 (a) negotiate a fee with an authorized online course provider for an amount up to the
498 amount prescribed in Subsections (1) through (3); and

499 (b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).

500 (7) An authorized online course provider who contracts with a vendor for the
501 acquisition of online course content or online course instruction may negotiate the payment for
502 the vendor's service independent of the fees specified in Subsections (1) through (3).

503 (8) The state board may not remove a student from an online course if the student is
504 eligible for continued enrollment in the online course under Subsection (5).

505 (9) Upon request by a primary LEA, the state board shall provide an itemized report to
506 the primary LEA showing the deduction described in Subsection 53F-4-508(2) by student and
507 course enrolled.

508 Section 8. Section **53F-4-506** is amended to read:

509 **53F-4-506. Withdrawal from an online course.**

510 (1) An authorized online course provider shall establish a start date for an online
511 course, including a start date for the second .5 credit of a 1 credit online course.

512 (2) Except as provided in Subsection (3), a student may withdraw from an online
513 course:

514 (a) within 20 school calendar days of the start date, if the student enrolls in an online
515 course on or before the start date established pursuant to Subsection (1); or

516 (b) within 20 school calendar days of enrolling in the online course, if the student
517 enrolls in an online course after the start date established pursuant to Subsection (1).

518 (3) (a) A student may withdraw from a 1 credit online course within 20 school calendar
519 days of the start date of the second .5 credit of the online course.

520 (b) An authorized online course provider shall refund a payment received for the
521 second .5 credit of an online course if a student withdraws from the online course pursuant to
522 Subsection (3)(a).

523 (c) If a student withdraws from a 1 credit online course as provided in Subsection

524 (3)(a), the authorized online course provider shall receive payment for the student's completion
525 of .5 credit of the 1 credit course in the same manner as an authorized online course provider
526 receives payment for a student's completion of a .5 credit online course as described in
527 Subsection [53F-4-505\(4\)](#).

528 Section 9. Section **53F-4-507** is amended to read:

529 **53F-4-507. State board to deduct funds and make payments -- Plan for the**
530 **payment of online courses taken by private and home school students.**

531 (1) Subject to future budget constraints, the Legislature shall adjust the appropriation
532 for the Statewide Online Education Program based on:

533 (a) the anticipated increase of eligible home school and private school students
534 enrolled in the Statewide Online Education Program; and

535 (b) the value of the weighted pupil unit.

536 (2) Notwithstanding Subsection (1) and subject to future budget constraints, the
537 Legislature shall:

538 (a) consider enrollment projections provided by the authorized online course providers
539 to account for enrollment growth during the appropriations process;

540 (b) provide a supplemental appropriation to adequately fund the Statewide Online
541 Education Program when the enrollment amount exceeds the projected enrollment amounts
542 provided by the authorized online course providers; and

543 (c) in the fiscal year beginning July 1, 2025, keep all other appropriations for the
544 Statewide Online Education Program separate from the appropriations described in Section
545 [53F-4-518](#).

546 (3) (a) The state board shall deduct money from funds allocated to the student's
547 primary LEA of enrollment under Chapter 2, State Funding -- Minimum School Program, to
548 pay for online course fees.

549 (b) Money shall be deducted under Subsection (3)(a) in the amount and at the time an
550 authorized online course provider qualifies to receive payment for an online course provided to
551 a public education student, not to exceed 90 days after qualification, as provided in Subsection
552 [53F-4-505\(4\)](#).

553 (c) [~~Beginning July 1, 2023~~] Subject to Subsection [53F-4-514\(2\)\(h\)](#), the state board
554 shall deduct money from funds allocated for course fees for a private school or home school

555 student in the amount and at the time an authorized online course provider qualifies to receive
556 payment for an online course, not to exceed 90 days after qualification.

557 (4) From money deducted under Subsection (3), the state board shall make payments to
558 the student's authorized online course provider as provided in Section 53F-4-505.

559 ~~[(5) The Legislature shall establish a plan for the payment of online courses taken by a
560 private school or home school student.]~~

561 Section 10. Section 53F-4-508 is amended to read:

562 **53F-4-508. Course credit acknowledgment.**

563 (1) A student's primary LEA of enrollment and the student's authorized online course
564 provider shall:

565 (a) enter into a course credit acknowledgment in which the primary LEA of enrollment
566 and the authorized online course provider acknowledge that the authorized online course
567 provider is responsible for the instruction of the student in a specified online course[:]; and

568 (b) agree upon a process to provide the primary LEA with the ability to ensure
569 consistency of a course request with a student's:

570 (i) IEP or Section 504 accommodation plan;

571 (ii) graduation requirements; and

572 (iii) schedule.

573 (2) The terms of the course credit acknowledgment shall provide that:

574 (a) the authorized online course provider shall receive a payment in the amount
575 provided under Section 53F-4-505; and

576 (b) the student's primary LEA of enrollment acknowledges that the state board will
577 deduct funds allocated to the LEA under Chapter 2, State Funding -- Minimum School
578 Program, in the amount and at the time the authorized online course provider qualifies to
579 receive payment for the online course as provided in Subsection 53F-4-505(4).

580 (3) (a) A course credit acknowledgment may originate with either an authorized online
581 course provider or primary LEA of enrollment.

582 (b) The originating entity shall submit the course credit acknowledgment to the state
583 board who shall forward it to the primary LEA of enrollment for course selection verification
584 or the authorized online course provider for acceptance.

585 (c) (i) A primary LEA of enrollment may only reject a course credit acknowledgment

586 if:

587 (A) the online course is not aligned with the student's plan for college and career
588 readiness; or

589 [~~(B)~~ the online course is not consistent with the student's IEP, if the student has an
590 IEP;]

591 [~~(C)~~ the online course is not consistent with the student's international baccalaureate
592 program, if the student participates in an international baccalaureate program; or]

593 [~~(D)~~] (B) the number of online course credits exceeds the maximum allowed for the
594 year as provided in Section 53F-4-503.

595 (ii) Verification of alignment of an online course with a student's plan for college and
596 career readiness does not require a meeting with the student.

597 (d) An authorized online course provider may only reject a course credit
598 acknowledgment if:

599 (i) the student does not meet course prerequisites; or

600 (ii) the course is not open for enrollment.

601 (e) [~~A~~] Except as provided in Subsection (5), a primary LEA of enrollment or
602 authorized online course provider shall submit an acceptance or rejection of a course credit
603 acknowledgment to the state board within [~~72~~] 24 business hours of the receipt of a course
604 credit acknowledgment from the state board pursuant to Subsection (3)(b).

605 (f) If an authorized online course provider accepts a course credit acknowledgment, the
606 authorized online course provider shall forward to the primary LEA of enrollment the online
607 course start date as established under Section 53F-4-506.

608 (g) If an authorized online course provider rejects a course credit acknowledgment, the
609 authorized online course provider shall include an explanation which the state board shall
610 forward to the primary LEA of enrollment for the purpose of assisting a student with future
611 online course selection.

612 (h) [~~H~~] Except as provided in Subsection (5), if a primary LEA of enrollment does not
613 submit an acceptance or rejection of a course credit acknowledgment to the state board within
614 [~~72~~] 24 business hours of the receipt of a course credit acknowledgment from the state board
615 pursuant to Subsection (3)(b), the state board shall consider the course credit acknowledgment
616 accepted.

617 (i) (i) Upon acceptance of a course credit acknowledgment, the primary LEA of
618 enrollment shall notify the student of the acceptance and the start date for the online course as
619 established under Section 53F-4-506.

620 (ii) Upon rejection of a course credit acknowledgment, the primary LEA of enrollment
621 shall notify the student of the rejection and provide an explanation of the rejection.

622 ~~[(j) If the online course student has an individual education plan (IEP) or 504~~
623 ~~accommodations, the primary LEA of enrollment shall forward the IEP or description of 504~~
624 ~~accommodations to the online course provider within 72 business hours after the primary LEA~~
625 ~~of enrollment receives notice that the online course provider accepted the course credit~~
626 ~~acknowledgment.]~~

627 (4) (a) A primary LEA of enrollment may not reject a course credit acknowledgment,
628 because the LEA is negotiating, or intends to negotiate, an online course fee with the
629 authorized online course provider pursuant to Subsection 53F-4-505(6).

630 (b) If a primary LEA of enrollment negotiates an online course fee with an authorized
631 online course provider before the start date of an online course, a course credit
632 acknowledgment may be amended to reflect the negotiated online course fee.

633 (5) A primary LEA of enrollment may intervene and reject a course credit
634 acknowledgment up to 72 business hours after the actual or constructive acceptance of a
635 course credit acknowledgment under Subsection (4), if the primary LEA of enrollment
636 determines the online course enrollment meets the criteria of Subsection (3)(c).

637 Section 11. Section 53F-4-509 is amended to read:

638 **53F-4-509. Online course credit hours included in daily membership --**
639 **Limitation.**

640 (1) Subject to Subsection (2), a student's primary LEA of enrollment shall include
641 online course credit hours in calculating daily membership.

642 (2) A student may not count as more than one FTE, unless the student intends to
643 complete high school graduation requirements, and exit high school, early, in accordance with
644 the student's plan for college and career readiness.

645 (3) A student who enrolls in an online course may not be counted in membership for a
646 released-time class, if counting the student in membership for a released-time class would
647 result in the student being counted as more than one FTE.

648 (4) Except as provided in Subsection (5), a student enrolled in an online course may
649 not earn ~~[no]~~ more credits in a year than the number of credits a student may earn in a year by
650 taking a full course load during the regular school day in the student's primary LEA of
651 enrollment.

652 (5) A student enrolled in an online course may earn more credits in a year than the
653 number of credits a student may earn in a year by taking a full course load during the regular
654 school day in the student's primary LEA of enrollment:

655 (a) if the student intends to complete high school graduation requirements, and exit
656 high school, early, in accordance with the student's plan for college and career readiness; or

657 (b) if allowed under ~~[local school board or charter school governing board]~~ an LEA
658 governing board policy.

659 Section 12. Section **53F-4-510** is amended to read:

660 **53F-4-510. Administration of statewide assessments to students enrolled in online**
661 **courses.**

662 (1) A student enrolled in an online course that is a course for which a statewide
663 assessment is administered under Title 53E, Chapter 4, Part 3, Assessments, shall take the
664 statewide assessment.

665 (2) (a) The state board shall make rules providing for the administration of a statewide
666 assessment to a student enrolled in an online course.

667 (b) Rules made under Subsection (2)(a) shall:

668 (i) provide for the administration of a statewide assessment upon a student completing
669 an online course; and

670 (ii) require an authorized online course provider to proctor the statewide assessment.

671 Section 13. Section **53F-4-511** is amended to read:

672 **53F-4-511. Report on performance of authorized online course providers.**

673 (1) The state board, in collaboration with authorized online course providers, shall
674 develop a report on the performance of authorized online course providers, which may be used
675 to evaluate the Statewide Online Education Program and assess the quality of an authorized
676 online course provider.

677 (2) A report on the performance of an authorized online course provider shall include:

678 (a) scores aggregated by test on statewide assessments administered under Title 53E,

679 Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered
680 through the Statewide Online Education Program;

681 (b) the percentage of the authorized online course provider's students who complete
682 online courses within the applicable time period specified in Subsection [53F-4-505\(4\)\(c\)](#);

683 (c) the percentage of the authorized online course provider's students who complete
684 online courses after the applicable time period specified in Subsection [53F-4-505\(4\)\(c\)](#) and
685 before the student graduates from high school; and

686 (d) the pupil-teacher ratio for the combined online courses of the authorized online
687 course provider.

688 (3) The state board shall post a report on the performance of an authorized online
689 course provider on the Statewide Online Education Program's website described in Section
690 [53F-4-512](#).

691 Section 14. Section **53F-4-512** is amended to read:

692 **53F-4-512. Dissemination of information on the Statewide Online Education**
693 **Program.**

694 (1) The state board shall develop a website for the Statewide Online Education
695 Program which shall include:

696 (a) a description of the Statewide Online Education Program, including its purposes;

697 (b) information on who is eligible to enroll, and how an eligible student may enroll, in
698 an online course;

699 (c) a directory of authorized online course providers;

700 (d) a link to a course catalog for each authorized online course provider; and

701 (e) a report on the performance of authorized online course providers as required by
702 Section [53F-4-511](#).

703 (2) An authorized online course provider shall provide the following information on
704 the authorized online course provider's website:

705 (a) a description of the Statewide Online Education Program, including its purposes;

706 (b) information on who is eligible to enroll, and how an eligible student may enroll, in
707 an online course;

708 (c) a course catalog;

709 (d) scores aggregated by test on statewide assessments administered under Title 53E,

710 Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered
711 through the Statewide Online Education Program;

712 (e) the percentage of an authorized online course provider's students who complete
713 online courses within the applicable time period specified in Subsection 53F-4-505(4)(c);

714 (f) the percentage of an authorized online course provider's students who complete
715 online courses after the applicable time period specified in Subsection 53F-4-505(4)(c) and
716 before the student graduates from high school; and

717 (g) the authorized online [~~learning~~] course provider's pupil-teacher ratio for the online
718 courses combined.

719 Section 15. Section 53F-4-513 is amended to read:

720 **53F-4-513. Time period to enroll in an online course.**

721 (1) To provide an LEA and an authorized online course [~~providers~~] provider with
722 estimates of online course enrollment, a student should enroll in an online course, or declare an
723 intention to enroll in an online course:

724 (a) for a high school online course, during the time period the LEA designates for high
725 school course registration; or

726 (b) for a middle school online course, during the time period the LEA designates for
727 middle school course registration.

728 (2) Notwithstanding Subsection (1) and except as provided in Subsection (3), a student
729 may enroll in an online course at any time during a calendar year.

730 (3) (a) A student may alter a course schedule by dropping a traditional classroom
731 course and adding an online course consistent with course schedule alteration procedures
732 adopted by the student's primary LEA of enrollment.

733 (b) [~~A school district's or high school's~~] An LEA or school's deadline for dropping a
734 traditional classroom course and adding an online course shall be the same deadline for
735 dropping and adding a traditional classroom course.

736 Section 16. Section 53F-4-514 is amended to read:

737 **53F-4-514. State board -- Rulemaking -- Fees.**

738 (1) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
739 state board shall provide a delayed effective date that is after the school year has ended for a
740 change to an administrative rule related to the Statewide Online Education Program if the

741 change would require an authorized online course provider to make program changes during
742 the school year.

743 (2) The state board shall make rules in accordance with this part and Title 63G,
744 Chapter 3, Utah Administrative Rulemaking Act, that establish:

745 (a) a course credit acknowledgement form and procedures for completing and
746 submitting to the state board a course credit acknowledgement;

747 (b) procedures for the administration of a statewide assessment to a student enrolled in
748 an online course; and

749 (c) protocols for an online course provider to obtain approval to become a certified
750 online course provider, including:

751 (i) the application procedure for an online course provider to obtain approval to
752 become a certified online course provider; and

753 (ii) the standards that a certified online course provider and any online course the
754 certified online course provider offers shall meet;

755 (d) in accordance with Title 53E, Chapter 4, Academic Standards, Assessments, and
756 Materials, criteria for an authorized online course provider to submit for approval an online
757 course that does not have an existing state board course code;

758 (e) no later than July 1, 2024, a process within existing systems at the state board to
759 allow a certified online course provider access to an educator's licensing, endorsement,
760 certification, and assignment information if the educator is teaching an online course for the
761 certified online course provider;

762 (f) in consultation with the authorized online course providers, the parameters for
763 conducting a site visit including:

764 (i) a definition for the term site visit;

765 (ii) the minimum amount of time required for:

766 (A) notice to an authorized online course provider of a site visit; and

767 (B) an authorized online course provider to prepare for a site visit;

768 (iii) the documents, data, and artifacts subject to inspection during a site visit; and

769 (iv) a process to ensure a site visit allows for observation of instruction without
770 interfering with the instruction[.];

771 (g) annual mandatory training for relevant staff at a primary LEA that includes:

- 772 (i) program requirements for a primary LEA including reporting requirements and
- 773 methods;
- 774 (ii) uses of resources and tools to ensure adequate monitoring of an eligible student's
- 775 progress;
- 776 (iii) federal and state requirements for accommodating enrollments that involve special
- 777 education;
- 778 (iv) appropriate circumstances and methodologies for reducing an eligible student's
- 779 schedule; and

780 (v) other components the state board determines are necessary; and

781 (3) (a) When establishing the standards described in Subsection (2)(c)(ii) the state
782 board shall:

- 783 (i) establish rules and minimum standards regarding accreditation;
- 784 (ii) require an online course to be aligned with the core standards described in Section
785 [53E-4-202](#);

786 (iii) require proof that a national organization responsible for college athletics
787 endorses:

- 788 (A) the certified online course provider; or
- 789 (B) the online course that a certified online course provider offers;
- 790 (iv) permit an open-entry, open-exit method of instructional delivery that allows a
791 student the flexibility to:
 - 792 (A) schedule in response to individual needs or requirements;
 - 793 (B) demonstrate competency when the student has mastered knowledge and skills;
 - 794 (C) begin or end study at any time; and
 - 795 (D) progress through course material at the student's own pace; and

796 (v) except as provided in Subsection [~~(4)~~] (5), require an individual who teaches a
797 course for a certified online course provider to hold a teaching license issued by the state board.

798 (b) When establishing the standards described in Subsection (2)(c)(ii), the state board
799 may not:

- 800 (i) specify a minimum duration for an online course;
- 801 (ii) specify a minimum amount of time that a student must spend in an online course;

802 or

803 (iii) limit the class size of an online course.

804 (4) No later than January 31, 2026, the state board shall create a communication
 805 dashboard for the program that includes:

806 (a) a counselor contact list for an eligible student that is accessible to an authorized
 807 online course provider; and

808 (b) progress monitoring fields that are accessible to the primary LEA, the eligible
 809 student's counselor, and the eligible student's parent containing:

810 (i) grade progress reporting of an eligible student by an authorized online course
 811 provider;

812 (ii) an ability to flag a student that is at-risk of failing an online course; and

813 (iii) other relevant capabilities the state board determines to be necessary in
 814 consultation with LEA users of the dashboard.

815 [~~4~~] (5) If an individual possesses a provider-specific license described in Section
 816 [53E-6-201](#), the state board may not prohibit the individual from teaching an online course for
 817 an authorized online course provider while the individual is in the process of obtaining an
 818 endorsement or additional license issued by the state board.

819 [~~5~~] (6) The state board may establish a fee, in accordance with Section [63J-1-504](#), in
 820 an amount to pay the costs to the state board of the application approval process and the
 821 monitoring of a certified online course provider's compliance with the standards described in
 822 Subsection (2)(c)(ii).

823 [~~6~~] (7) (a) Fee revenue collected in accordance with Subsection [~~5~~] (6) shall be:

824 (i) deposited into the Uniform School Fund as a dedicated credit; and

825 (ii) used to pay the costs to the state board of reviewing certified online course
 826 providers' applications and compliance with the standards described in Subsection (2)(c)(ii).

827 Section 17. Section **53F-4-516** is amended to read:

828 **53F-4-516. Report of noncompliance -- Action to ensure compliance.**

829 (1) The state superintendent shall report to the state board any report of noncompliance
 830 of this part made to a staff member of [~~the staff of~~] the state board.

831 (2) The state board shall take appropriate action to ensure compliance with this part.

832 Section 18. Section **53F-4-517** is amended to read:

833 **53F-4-517. Agreements for online instruction.**

834 (1) In addition to offering online courses to students through the [~~Statewide Online~~
835 ~~Education Program~~] program, a school district or charter school may enter into an agreement
836 with another school district or charter school or a consortium of school districts or charter
837 schools to provide online instruction to the school district's or charter school's students.

838 (2) Online instruction offered pursuant to Subsection (1) is not subject to the
839 requirements of this part.

840 Section 19. Section **53F-4-518** is amended to read:

841 **53F-4-518. Small school student access to college and career readiness courses.**

842 Subject to legislative appropriations and Subsection 53F-4-514(2)(h), and
843 notwithstanding Subsections 53F-4-509(2) and (3), the state board shall:

844 (1) use funds from an appropriation for the Statewide Online Education Program to pay
845 for an online course fee described in Section 53F-4-505 for a student who is enrolled in a
846 public high school that enrolls fewer than 1,000 students; and

847 (2) after the funds described in Subsection (1) have been expended, make a deduction
848 as described in Subsection 53F-4-507(3).

849 Section 20. **Effective date.**

850 This bill takes effect on May 1, 2024.